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1 (3) *Continuing candidate* means a candidate that has not been eliminated.

2 (4) *Duplicate ranking* means a voter has ranked the same candidate at
3 multiple rankings for the office being counted. The highest ranking for the candidate is
4 valid and any lower rankings of that candidate shall be ignored.

5 (5) *Exhausted ballot* means a ballot that cannot be advanced because no
6 further continuing candidates are ranked on that ballot.

7 (6) *Incorrectly marked ballot* means a ballot showing an overvote,
8 undervote, duplicate ranking, skipped ranking, or unused ranking, and shall be rejected
9 with an error message. A person who accidentally spoils or erroneously prepares the
10 ballot may return the spoiled or erroneously prepared ballot to the election judge and
11 receive a new ballot.

12 (7) *Majority of votes* means fifty (50) percent plus one (1) of the votes cast
13 for a continuing candidate.

14 (8) *Next ranked* means the highest ranked choice for a continuing candidate.

15 (9) *Overvote* means a voter has ranked more than one candidate at the same
16 ranking. If a voter gives the same ranking to more than one (1) candidate, the voter's
17 rankings shall be counted in order of preference, stopping at the point where the ballot
18 contains the same ranking for more than one (1) candidate.

19 (10) *Ranked choice voting* means an election system in which voters rank the
20 candidates for office in order of preference, and the ballots are counted in rounds that
21 simulate a series of runoffs until one candidate receives a majority of votes. Ranked
22 choice voting is also known as "instant runoff voting."

23 (11) *Round of counting or round* means a step in the counting process during
24 which votes for all continuing candidates are tabulated for the purpose of determining
25 whether a candidate has achieved a majority of the votes cast for a particular office and,

absent a majority, which candidate or candidates must be eliminated.

(12) *Skipped ranking* means a voter has left a ranking blank and ranks a candidate in a subsequent ranking. If a voter skips a numerical ranking, the skipped ranking will be ignored and the next indicated ranking on that ballot will be valid.

(13) *Undervote* means a voter did not rank any candidates for an office.

(14) *Unused ranking* means the voter has ranked at least one (1), but not all, candidates.

(15) *Vote* means a ballot choice that is counted toward the election of a candidate. During each round of counting, each continuing ballot contains one vote. All first choices are votes and lower ranked choices are potential runoff votes that may, in accordance with the requirements of this section, become votes and subsequently credited for a continuing candidate.

C. *General Provisions.*

(1) Ranked choice voting elections for the offices of mayor, councilor and municipal judge shall be conducted according to the procedures in this section.

(2) Ranked choice voting shall commence with the 2018 regular municipal election and continue for all regular municipal elections thereafter unless later repealed or invalidated by a subsequent federal, state or city law, statute, rule, regulation, or ordinance.

(3) The New Mexico secretary of state must certify the software prior to the use of ranked choice voting.

D. *Ballot.* The ranked choice voting ballot shall allow voters to rank all choices.

E. *Tabulation.* The ballots shall be counted in rounds.

(1) In the first round, every ballot shall count as a vote towards the first choice candidate.

1 (2) After any round, if any candidate receives a majority of votes, that
2 candidate shall be declared the winner.


3 (3) If no candidate receives a majority of votes, the candidate receiving the
4 fewest number of votes shall be eliminated.

5 (4) Every ballot counting towards the eliminated candidate shall be
6 transferred to the next ranked continuing candidate. All the continuing ballots for all
7 continuing candidates shall be counted again in a new round.

8 F. *Ties.* If a tie between candidates occurs at any stage in the tabulation, the tie shall
9 be resolved in favor of the candidate who received the greatest number of combined first choice
10 votes and transferred votes at the previous stage of tabulation. If the first round tabulation results
11 in a tie between candidates, the tie shall be resolved against the candidate who received the least
12 number of combined second choice votes.

13 G. *Severability.* The requirements and provisions of this section and their parts,
14 subparts and clauses are severable. In the event that any requirement, provision, part, subpart or
15 clause of this section, or the application thereof to any person or circumstance, is determined to
16 be impossible of performance, or held to be invalid or unenforceable by a court of competent
17 jurisdiction, it is the intent of the governing body that the remainder of the section be enforced
18 to the maximum extent possible consistent with the governing body's purpose of this Campaign
19 Code.

20 PASSED, APPROVED, and ADOPTED this 27th day of October, 2021
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24 _____

25 ALAN WEBBER, MAYOR

1 ATTEST:

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KRISTINE MICHELCIC, CLERK

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APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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Bill No. 2021-23

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Legislation/2021/Ordinances/2021-22 Ranked Choice Tie Votes

FISCAL IMPACT REPORT**General Information:**(Check) Bill: X Resolution: _____Short Title(s): Ranked Choice Tie VotesSponsor(s): Councilor GarciaReviewing Department(s): Community Development/Planning and Land Use, FinanceStaff Completing FIR: Kristine Mihelcic/Marcos Martinez Date: 9/15/21 Phone: 955-6846/955-6502

Reviewed by City Attorney: _____ Date: _____

Reviewed by Finance Director: _____ Date: _____

Summary:

This Bill amends the Election Code, Section 9-1.7 SFCC 1987, to revise how tie votes are resolved for candidates in a given round. The current method is to choose the candidate to be eliminated by lot. The amendments change the method to one in which the tie is resolved in favor of the candidate who receives the greatest number of combined first choice and transferred votes from the previous round.

Departments Affected:City Clerk and City Attorney**Consequences of Not Enacting Legislation:**

The current method of resolving tie votes will remain, a method that relies entirely on chance and does not take into account first choice or transferred votes from previous rounds.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:None identified.**Performance and Administrative Implications:**

In the event of a tie, the City Clerk will no longer have to conduct a drawing of lots to determine which candidate is eliminated.

Fiscal Implications:None identified.**Fiscal Impact** X Check here if no fiscal impact











2021-22 (O) Ranked Choice Tie Votes (Final Approval)

Final Audit Report

2021-10-29

Created:	2021-10-29
By:	Jeff Norris (jtnorris@ci.santa-fe.nm.us)
Status:	Signed
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"2021-22 (O) Ranked Choice Tie Votes (Final Approval)" History

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